

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

SHIRLEY PETERS, Special Administrator of
the Estate of JIMMY PETERS, Deceased,

Plaintiff,

v.

COVENANT CARE MIDWEST, INC. d/b/a
NEBRASKA SKILLED NURSING AND
REHABILITATION,

Defendant.

CASE NO. _____

NOTICE OF REMOVAL

COMES NOW, Defendant Covenant Care Midwest, Inc. d/b/a Nebraska Skilled Nursing and Rehabilitation (“Covenant Care”) pursuant to 28 U.S.C. §§ 1441 & 1446, and respectfully shows as follows:

1. On or about July 25, 2008, Plaintiff, Shirley Peters, Special Administrator of the Estate of Jimmy Peters, deceased, (“Plaintiff”) filed a Complaint in the District Court of Douglas County, Nebraska against Covenant Care (the “Douglas County Action”). A true and correct copy of the Complaint is attached as Exhibit A. The Complaint did not state the amount in controversy.

2. Covenant Care filed its Answer to the Complaint on August 25, 2008. A true and correct copy of the Answer is attached as Exhibit B.

3. On or about September 12, 2008, Plaintiff sent Covenant Care a Demand Letter alleging Plaintiff has suffered “economic loss of almost \$53,000” as well as other damages

related to Mr. Peter's death and assessed a \$500,000.00 value on Plaintiff's claims. A true and correct copy of the Demand Letter is attached as Exhibit C.

4. Covenant Care is a California corporation with its principal place of business in Aliso Viejo, CA.

5. Plaintiff is a citizen of the State of Nebraska.

6. This Court has original jurisdiction of this civil action for the reason that the matter in controversy exceeds \$75,000.00, exclusive of interest and costs, and is between citizens of different states pursuant to 28 U.S.C. § 1332(a)(1) and (c).

7. Venue is proper in this District under 28 U.S.C. § 1441(a) because this District embraces the place in which the removed action was pending.

8. Removal is timely under 28 U.S.C. § 1446(b) as it is made within 30 days after Covenant Care received the Demand Letter first notice that the amount in controversy exceeds \$75,000.00.

9. Covenant Care will promptly give written notice to Plaintiff of its filing of this Notice of Removal and shall file a copy of the Notice of Removal with the Clerk of the Douglas County District Court pursuant to 28 U.S.C. § 1446(d).

10. Covenant Care has attached to this Notice as Ex. D all other pleadings, process, orders and all other filings in the Douglas County Action as required by 28 U.S.C. § 1446(a).

WHEREFORE, Covenant Care hereby removes this action from the District Court of Douglas County, Nebraska, bearing caption *Shirley Peters, Special Administrator of the Estate of Jimmy Peters, Deceased v. Covenant Care Midwest, Inc. d/b/a Nebraska Skilled Nursing and Rehabilitation, Doc. 1085, Page 814*, to the United States District Court for the District of Nebraska.

Dated this ____th day of October, 2008.

COVENANT CARE MIDWEST, INC.
D/B/A NEBRASKA SKILLED NURSING
AND REHABILITATION, Defendant.

By: s/ Heather H. Anschutz

Robert M. Slovek #17798
Heather H. Anschutz #22906
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Omaha, NE 68102-2186
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CERTIFICATE OF SERVICE

This certifies the undersigned attorney has caused service of the **NOTICE OF REMOVAL** to be made pursuant to FED. R. CIV. P. 5(b) and (d) by mailing by ordinary first-class mail, postage prepaid, to the last known address of the following attorneys representing parties to this action on this ____th day of October, 2008:

Jeffrey P. Welch, #20184
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By: s/ Heather H. Anschutz

Heather H. Anschutz